

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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|-----------------------------------|---|------------------------------|
| S.O.I.TEC SILCON ON INSULATOR |) | |
| TECHNOLOGIES S.A. and SOITEC USA, |) | |
| Inc., |) | Case No. 1:05-cv-00806 (GMS) |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| MEMC ELECTRONIC MATERIALS, INC., |) | |
| |) | |
| Defendant. |) | |

REVISED [PROPOSED] ORDER

On February 28, 2008, at 10:30 a.m., this Court heard argument on motion by Plaintiffs S.O.I.TEC SILCON ON INSULATOR TECHNOLOGIES S.A. and SOITEC USA, Inc. (collectively "Soitec") to address certain discovery disputes with Defendant MEMC Electronic Materials, Inc. ("MEMC"). Based upon the papers filed by the parties, and upon oral argument by all parties, the Court finds as follows:

1. Soitec's motion to preclude the use by MEMC of Dr. George Rozgonyi as an expert or consultant in this action should be and is hereby DENIED.
2. Soitec's motion to compel the production of documents and additional testimony concerning the conception of any inventions embodied or disclosed in United States Patent No. 6,236,104 should be and is hereby granted GRANTED. Specifically, this Court finds that MEMC has waived any privilege with respect to any such conception. MEMC shall produce Edward Hejlek and Dr. Robert Falster for additional deposition testimony on that subject. MEMC shall also produce to Soitec

unredacted copies of the invention disclosure statements relating to the '104 patent, which are identified as entries 43 and 46 on Senniger Power's privilege log.

3. Soitec's motion to compel the production of documents and information concerning MEMC's testing and analysis of Soitec wafers seized in connection with pending French litigation between Soitec and MEMC should be and hereby is GRANTED in part and DENIED in part. Subject to its prior agreement, MEMC shall produce the raw data resulting from or underlying such testing and analysis. MEMC shall also immediately produce to the Court for *in camera* inspection unredacted copies of the summary and/or analysis of such testing prepared by MEMC employees. This Court will review the summary and/or analysis and determine what portions, if any, should be produced to Soitec within _____ days of the entry of any additional Order regarding production.

SO ORDERED, this _____ day of _____, 2008.

Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE